

JUDGE ABRAMS

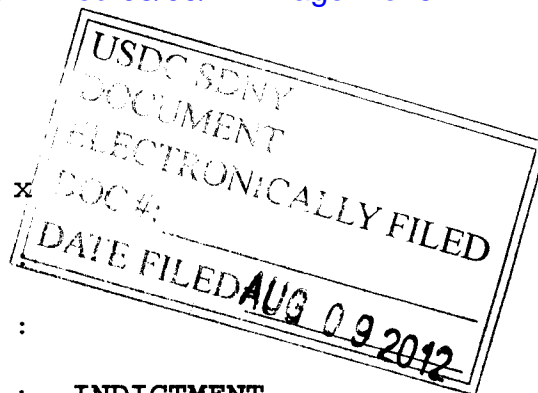
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

THOMAS MOTLEY,
a/k/a "Thomas Percell Motley,"
a/k/a "Tom Dewey,"
a/k/a "Tom P. Motley," and
ROBERT BURKE,
a/k/a "Bobby Burke,"

Defendants.



: INDICTMENT

: 12 Cr. ____ (____)

: **12 CRIM 604**

:

COUNT ONE

The Grand Jury charges:

1. From at least in or about February 2012 up to and including on or about June 22, 2012, in the Southern District of New York and elsewhere, THOMAS MOTLEY, a/k/a "Thomas Percell Motley," a/k/a "Tom Dewey," a/k/a "Tom P. Motley," and ROBERT BURKE, a/k/a "Bobby Burke," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that THOMAS MOTLEY, a/k/a "Thomas Percell Motley," a/k/a "Tom Dewey," a/k/a "Tom P. Motley," and ROBERT BURKE, a/k/a "Bobby Burke," the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance involved in the offense was one hundred and more marijuana plants, in violation of Title 21, United States Code, Sections 812, 841(b)(1)(B).

Overt Acts

4. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about June 4, 2012, ROBERT BURKE, a/k/a "Bobby Burke," the defendant, removed several items from a warehouse (the "Warehouse") in the Bronx, New York.

b. On or about June 5, 2012, THOMAS MOTLEY, a/k/a "Thomas Percell Motley," a/k/a "Tom Dewey," a/k/a "Tom P. Motley," the defendant, unlocked and entered the Warehouse.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

5. From at least in or about February 2012 up to and including on or about June 22, 2012, in the Southern District of New York and elsewhere, THOMAS MOTLEY, a/k/a "Thomas Percell Motley," a/k/a "Tom Dewey," a/k/a "Tom P. Motley," and ROBERT BURKE, a/k/a "Bobby Burke," the defendants, knowingly did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

6. The controlled substance involved in the offense was one hundred and more marijuana plants, in violation of Title 21, United States Code, Sections 812, 841(b)(1)(B).

(Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B), and Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

7. As a result of committing the controlled substance offenses alleged in Counts One and Two of this Indictment, THOMAS MOTLEY, a/k/a "Thomas Percell Motley," a/k/a "Tom Dewey," a/k/a "Tom P. Motley," and ROBERT BURKE, a/k/a "Bobby Burke," the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the controlled substance offenses alleged in Counts One and Two of this Indictment.

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)

FOREPERSON



PREET BHARARA

United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

THOMAS MOTLEY,
a/k/a "Thomas Percell Motley,"
a/k/a "Tom Dewey,"
a/k/a "Tom P. Motley," and
ROBERT BURKE,
a/k/a "Bobby Burke,"

Defendants.

INDICTMENT

12 Cr. __ (___)

(Title 21, United States Code,
Sections 841(a)(1), 841(b)(1)(B), & 846)

PREET BHARARA

United States Attorney.

A TRUE BILL

Foreperson. *PL*

8/9/12
PL

*Pld Ind Post 11-1-07 This case is
assigned to Judge Abraham for all purposes*

My Judge Polinger